

McCORRISTON MILLER MUKAI MacKINNON LLP

WILLIAM C. MCCORRISTON #995

mccorrison@m4law.com

KENNETH J. MANSFIELD #7227

mansfield@m4law.com

Five Waterfront Plaza, 4th Floor

500 Ala Moana Boulevard

Honolulu, Hawaii 96813

Telephone: (808) 529-7300

Facsimile: (808) 524-8293

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

GREGORY L. CURTNER (*pro hac vice*)

curtner@millercanfield.com

ROBERT J. WIERENGA (*pro hac vice*)

wierenga@millercanfield.com

ATLEEN KAUR (*pro hac vice*)

kaur@millercanfield.com

101 North Main Street, 7th Floor

Ann Arbor, MI 48104-1400

Telephone: (734) 663-2445

Facsimile: (734) 663-8624

Attorneys for Defendant

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ALOHA SPORTS INC., a Hawaii)

corporation,)

Plaintiff,)

V.)

THE NATIONAL COLLEGIATE

ATHLETIC ASSOCIATION, an

unincorporated association,)

Defendant.)

DECLARATION OF KEITH
MARTIN IN SUPPORT OF
DEFENDANT’S MOTION FOR
SUMMARY JUDGMENT

1. I, KEITH MARTIN, hereby submit this Declaration in support of the NCAA's Motion for Summary Judgment. I am over the age of 18 and am competent to testify to the facts stated herein. All statements made herein are based upon my personal knowledge.

2. I am currently employed at the National Collegiate Athletic Association ("NCAA") as Managing Director of Finance and Operations. I joined the NCAA as director of accounting in 1989, was promoted to director of finance and operations in 1997, and assumed my current position in 2002. Prior to joining the NCAA, I was a certified public accountant for Deloitte & Touche LLP.

3. I am staff liaison to the NCAA Football Certification Subcommittee. The Football Certification Subcommittee is responsible for issues involving postseason football contests, including certification of DI-A Football Bowl Games.

4. As part of my duties with the NCAA, I am responsible for strategic planning for finance and operations, financial reporting, budgeting, revenue distribution, travel management, facilities management, purchasing and procurement, print production and fulfillment, and insurance and risk management. I also currently serve as a staff liaison to the postseason football licensing committee, the Division I budget committee, and the NCAA Executive Committee finance committee.

5. In the course of my employment at the NCAA I have been involved in document production and fact assembly for this litigation. I am very familiar with NCAA record-keeping generally and have become, through the course of this case, familiar with documents we have amassed and produced from NCAA archives, website, staff files and the NCAA Library.

6. The exhibits attached to this declaration are true and correct copies of documents maintained by the NCAA as records of its activities, which were produced by the NCAA to Aloha Sports, Inc. during the course of discovery.

- Exhibit 35 is a true and accurate copy of the Certification Application materials for the 1992 Las Vegas Silver Bowl requesting a waiver of the minimum guarantee requirement, produced during discovery by the NCAA. The NCAA receives and maintains these Applications in the ordinary course of its business and relies on the information contained therein to certify bowl games and document its actions regarding certifying bowl games.
- Exhibit 36 is a true and accurate copy of an excerpt of the minutes of the NCAA Postseason Football Subcommittee dated April 26-29, 1992 approving the Las Vegas Silver Bowl's request for a waiver of the minimum guarantee requirement, produced during discovery by the NCAA. The NCAA generates and retains meeting minutes, which are

based on information from a person or persons with knowledge of the meetings in question, in the ordinary course of its business as an official record of the Association's activities.

- Exhibit 37 is a true and correct copy of a letter from Frederick W. Rohlfig III dated February 5, 2001 produced during discovery by the NCAA. The NCAA receives and retains correspondence such as this in the ordinary course of its business and relies on the information contained therein to assist in decision-making related to certifying bowl games. At that time, Mr. Rohlfig was the President of ASI.
- Exhibit 38 is a true and accurate copy of a memorandum to Executive Directors of Selected Postseason Bowl Games dated October 1, 2002 regarding 2002-03 postseason football letter of credit, produced during discovery by the NCAA. The NCAA generates and retains memorandums, which are based on information from a person or persons with knowledge of the subject matter, in the ordinary course of its business to inform interested parties of the Association's requirements and regulations.
- Exhibit 39 is a true and accurate copy of a memorandum to members of the NCAA Football Certification Subcommittee regarding sponsoring agencies that have not submitted letters of credit, produced during

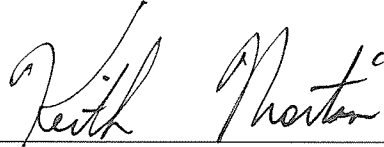
discovery by the NCAA. The NCAA generates and retains memorandums, which are based on information from a person or persons with knowledge of the subject matter contained therein, in the ordinary course of its business to inform interested parties of the association's requirements and regulations.

- Exhibit 40 is a true and accurate copy of an irrevocable standby letter of credit applied for by Aloha Sports Inc. and dated December 12, 2002, produced during discovery by the NCAA. The NCAA receives and retains correspondence such as this in the ordinary course of its business and relies on the information contained therein to assist in decision-making related to certifying bowl games.
- Exhibit 41 is a true and accurate copy of a memorandum to the NCAA Football Certification Subcommittee regarding revision of postseason football letter of credit criteria dated January 31, 2003, produced during discovery by the NCAA. The NCAA generates and retains memorandums in the ordinary course of its business, which are based on information from a person or persons with knowledge of the subject matter, to inform interested parties of the association's requirements and regulations.

- Exhibit 42 is a true and accurate copy of the report of the NCAA Division I Football Certification Subcommittee February 2003 meeting, produced during discovery by the NCAA. The NCAA generates and retains meeting reports, which are based on information from a person or persons with knowledge of the meeting in question, in the ordinary course of its business as a record of the association's activities.
- Exhibit 43 is a true and accurate copy of a letter from Randy Geller, Director of Legal Affairs, University of Oregon dated April 2, 2003, produced during discovery by the NCAA. The NCAA receives and retains correspondence such as this in the ordinary course of its business and relies upon the information contained therein to assist in decision-making related to certifying bowl games.
- Exhibit 44 is a true and accurate copy of a letter from John D. Swofford, Commissioner, Atlantic Coast Conference, dated April 17, 2003 produced during discovery by the NCAA. The NCAA receives and retains correspondence such as this in the ordinary course of its business and relies on the information contained therein to assist in decision-making related to certifying bowl games.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 23rd, 2006, at Indianapolis, IN.

A handwritten signature in cursive script, appearing to read "Keith Martin". The signature is written in dark ink and is positioned above a horizontal line.

Keith Martin

AALIB:461673.1\063863-00027